

Before the
Federal Communications Commission
Washington, D.C. 20554

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| In the Matter of |) | |
| |) | |
| Marshall County Radio Corp. |) | File No.: EB-02-AT-316 |
| |) | NAL/Acct. No. 200332480002 |
| Licensee of AM Radio Station WAXO |) | FRN 0003-7254-88 |
| Lewisburg, Tennessee |) | |

FORFEITURE ORDER

Adopted: February 6, 2003**Released: February 10, 2003**

By the Chief, Enforcement Bureau:

1. In this *Forfeiture Order* ("Order"), we issue a monetary forfeiture in the amount of seven thousand dollars (\$7,000) to Marshall County Radio Corp. ("Marshall County"), licensee of AM radio station WAXO, Lewisburg, Tennessee, for willful and repeated violation of Section 73.49 of the Commission's Rules ("Rules").¹ The noted violation involves Marshall County's failure to enclose its antenna tower within an effective locked fence or other enclosure.

2. On November 5, 2002, the District Director of the Commission's Atlanta, Georgia Field Office ("Atlanta Office") issued a *Notice of Apparent Liability for Forfeiture* ("NAL") in the amount of \$7,000 to Marshall County.² Marshall County has not filed a response to the NAL. Based on the information before us, we affirm the forfeiture.

3. **ACCORDINGLY, IT IS ORDERED THAT**, pursuant to Section 503(b) of the Communications Act of 1934, as amended ("Act"),³ and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,⁴ Marshall County Radio Corp. **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$7,000 for willfully and repeatedly violating Section 73.49 of the Rules.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁵ Payment shall be made by mailing a check or similar instrument, payable to the order of the "Federal Communications Commission," to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note NAL/Acct. No. 200332480002 and FRN 0003-7254-88. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁶

¹ 47 C.F.R. § 73.49.

² *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200332480002 (Enf. Bur., Atlanta Office, released November 5, 2002).

³ 47 U.S.C. § 503(b).

⁴ 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

⁵ 47 U.S.C. § 504(a).

⁶ *See* 47 C.F.R. § 1.1914.

5. **IT IS FURTHER ORDERED THAT** a copy of this *Order* shall be sent by first class mail and certified mail, return receipt requested, to Marshall County Radio Corp., 217 West Commerce Street, Lewisburg, Tennessee 37091.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau